IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.W.P. No. 17485 of 2004
Date of Decision: Nov. 20,2006

Darshan Singh ..... Petitioner

Versus

Superintendent Canal Officer,Ludhiana
and others ..... Respondents

Coram: Hon'ble Mr. Justice Ashutosh Mohunta
Hon'ble Mrs. Justice Nirmal Yadav

Present: Mr.Sandeep Punchhi, Advocate with
Mr. Dheeraj Narula, Advocate
for the petitioner.

Mr. C.M. Munjal, Sr. Addl. A.G. Punjab,
for respondent Nos. 1 and 2.

Mr. Sandeep Verma, Advocate
for respondent Nos. 3 to 6.

...

ASHUTOSH MOHUNTA, J. (Oral)

The petitioner has impugned the orders dated 22.10.2003 and 28.7.2004 (Annexures P-2 and P-3) passed by the Canal Authorities by which watercourse on the western side boundary of the area belonging to the petitioner has been sanctioned under Section 30-B(2) of the Northern Indian Canal and Drainage Act 8 of 1873.

Briefly the facts of the case are that respondent Nos. 4 to 6 filed an application before the Divisional Canal Officer for sanctioning of a separate watercourse as they had no source of irrigation. It was prayed by them that watercourse from eastern side of the land of the petitioner i.e. from point B to G as shown in the site-plan (Annexure P-1) be sanctioned on payment of compensation. The petitioner raised an objection that as he had installed a tubewell and also a Kotha on the eastern side, hence, the watercourse be not sanctioned. It was stated by the petitioner before the Divisional Canal Officer that in case the applicants i.e. Respondent Nos. 4

to 6 want a watercourse then they may take it from the other side of his land. Keeping in view the fact that the petitioner had a tubewell as well as a Kotha on the eastern side of his land, therefore, the Divisional Canal Officer sanctioned the watercourse on the western side boundary of the area belonging to the petitioner. This order has been upheld by the Superintending Canal Officer.

We have perused the site-plan and a perusal of the same shows that respondent Nos. 4 to 6 will be able to irrigate their fields from the western side of the land of the petitioner.

In view of the above, we find no infirmity in the orders Annexures P-2 and P-3 passed by the Canal Authorities and, accordingly, the writ petition is dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

20.11.2006 **(NIRMAL YADAV)**
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